

LAW OFFICE OF GREGORY JAVARDIAN, LLC  
BY: MARY F. KENNEDY, ESQUIRE  
ID# 77149  
1310 Industrial Blvd.  
1<sup>st</sup> Floor, Suite 101  
Southampton, PA 18966  
(215) 942-9690  
Attorney for Citizens Bank, N.A.

Hearing Date: **April 26, 2022, at  
10:30 am in Courtroom 2, United  
States Bankruptcy Court, 900  
Market Street, Philadelphia, PA  
19107**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	Chapter 13 Proceeding
Bishara D. Kuttab	
Debtor(s)	21-10578 MDC

**MOTION OF CITIZENS BANK, N.A. FOR RELIEF OF FROM THE AUTOMATIC  
STAY**

AND NOW, comes secured Creditor, Citizens Bank, N.A. (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to lack of equity in debtor(s) property and debtor(s) failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about March 9, 2021, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On September 16, 2016, the debtor executed a Note and Mortgage in the amount of \$73,150.00. The Mortgage gave Mortgage Electronic Registrations Systems, Inc. as nominee for Cardinal Financial Company Limited a security interest in the property located at 112 E. Walnut Park Dr., Philadelphia, PA 19120, referred to as the "property." The Mortgage was recorded in the Philadelphia County Recorder of Deeds Office on September 28, 2016 at instrument no. 53117072. Said Mortgage was assigned to Movant via an Assignment of Mortgage recorded in the Philadelphia County Recorder of Deeds Office on March 13, 2019 at instrument no. 53487243 (See Exhibit "A" attached).
3. The debtor is presently in arrears post-petition for seven (7) months, October 1, 2021 to April 1, 2022. The total arrears including \$1,238.00 for attorney fees and costs is \$3,986.93.

4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.
5. Pursuant to 11 U.S.C.A. section 362 (d) (1), cause exists to granted Movant relief from the stay.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank, N.A. to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable, and Movant is allowed to immediately proceed with foreclosure and all other relief available under the non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

Dated: April 6, 2022